

The opinion in support of the decision being entered today is  
*not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RADHIKA AGGARAWAL, WILLIAM H. KREBS JR.,  
ELIZABETH A. SCHREIBER and DAVID B. STYLES

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Appeal 2007-1979  
Application 10/041,141  
Technology Center 2100

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Decided: August 29, 2007

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Before KENNETH W. HAIRSTON, JEAN R. HOMERE,  
and JOHN A. JEFFERY, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 10. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the rejection.

## STATEMENT OF THE CASE

Appellants have invented an inline error notification method in which at least one validation error is detected in a value provided through an input element in a markup specified form. A row is inserted in the markup specified form in a position that is proximate to the input element, and the row has a background color that differs from other colors that are visible in proximity to the inserted row. An error text corresponding to the validation error is inserted in the row. An anchor tag is inserted in the markup specified form in a position that is proximate to the input element. (Figures 2A and 2B; Specification 10 to 12).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. An inline error notification method comprising:

detecting in a form-based submit, at least one validation error based upon a value provided through an input-element in a markup specified form;

inserting a row in said markup specified form in a position which is proximate to said input-element, said row having a background color which differs from other colors which are visible in proximity to said inserted row;

selecting error text corresponding to said validation error and inserting said selected error text in said row;

further inserting an anchor tag in said markup specified form in a position which is proximate to said input-element; and,

serving said markup specified form in a response to said form-based submit, said response referencing said anchor tag.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Jeffries	US 6,094,529	Jul. 25, 2000
Upton	US 2003/0105884 A1	Jun. 5, 2003
		(effectively filed Oct. 18, 2001)
Hartman	US 6,615,226 B1	Sept. 2, 2003
		(filed Sept. 12, 1997)

Homer, "Instant HTML," HTML 4.0 Edition, 1997, pages 88-101.

The Examiner rejected claims 1, 2, 5 to 7, and 10 under 35 U.S.C. § 103(a) based upon the teachings of Upton, Jeffries, and Homer. The Examiner rejected claims 3, 4, 8, and 9 under 35 U.S.C. § 103(a) based upon the teachings of Upton, Jeffries, Homer and Hartman.

The Examiner noted that "Upton claims priority filing date for U.S. Provisional Applications 60/347,919 and 60/347,901," and that "[t]he 60/347,901 provisional application properly supports the subject matter relied upon by the Examiner to make the rejection of claims 1-2, 5-7 and 10 (See 60/347,901; pages 8-3 to 8-9)" (Final Rejection 7).

Appellants contend that "[t]he Examiner's reference to 'pages 8-3 to 8-9' of the '901 provisional application, however, still does not meet the requirements of 37 C.F.R. § 1.104(c), which requires that 'the particular part relied on must be designated as nearly as practicable'" (Br. 4). According to Appellants, "merely citing seven whole pages to disclose multiple claimed elements does not designate 'as nearly as practicable,' the particular features within the '901 provisional application being relied upon by the Examiner in the rejection" (Br. 5).

In reply, the “Examiner also notes that ‘901 provisional application comprises 200 pages and examiner provides 7 pages over 200 pages to indicate to appellant that the cited portions in Upton are supported in the ‘901 provisional” (Ans. 8). The Examiner specifically explained that page 8-3 in the ‘901 provisional supports the claimed limitation of “redisplaying the form with error message next to each erroneous field,” and that pages 8-5 and 8-6 in the ‘901 provisional application supports the claimed limitation of “displaying a localized error message next to the form field if the submitted data is invalid” (Ans. 9).

## ISSUES

Did the Examiner provide the Appellants with a reasonable notice of the portions of the ‘901 provisional application<sup>1</sup> that are relied upon by the Examiner in the obviousness rejection?

Does the applied prior art teach or would it have suggested selection of an error text corresponding to a validation error?

## FINDINGS OF FACT

The facts needed to resolve the issues on appeal are recited *supra*.

## PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, then the burden shifts to the Appellants to overcome the *prima facie* case with argument and/or evidence. *See Id.*

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<sup>1</sup> See “Most Publicly Available Provisional Applications Can Now be Viewed Over the Internet,” 1288 Off. Gaz. Pat. Office 169 (Nov. 23, 2004).

The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

The claims on appeal should not be confined to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323, 75 USPQ2d 1321, 1334 (Fed. Cir. 2005) (*en banc*). During ex parte prosecution, claims must be interpreted as broadly as their terms reasonably allow since Applicants have the power during the administrative process to amend the claims to avoid the prior art. *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

## ANALYSIS

In view of the 200-page length of the '901 provisional application, we find that it was reasonable for the Examiner to rely on the seven pages in the rejection.

Appellants argue that Upton neither teaches nor would have suggested to the skilled artisan the selection of an error text corresponding to a validation error (Br. 5 to 7; Reply Br. 1 to 3). The Examiner contends that an error text message may take many forms, and still "correspond to the validation error" (Ans. 10). For example, "even if the error text message was always 'Error' (as read by Appellant), such text message by Upton's would still be selected/retrieved corresponding to the validation of the field (the '901, page 8-3, steps 2 and 3, for example age field has invalid value) in the form in order to display such text message next to erroneous field (age field has invalid value) on the form" (Ans. 10).

We agree with the Examiner. The claims on appeal do not specifically state what qualifies as “corresponding” text to the validation error. Thus, we find that the Examiner correctly applied a broadest reasonable interpretation to the term “corresponding.”

#### CONCLUSION OF LAW

After consideration of Appellants’ arguments, we find that the Appellants have not successfully rebutted the Examiner’s positions. Accordingly, the Examiner has established the obviousness of claims 1, 2, 5 to 7, and 10 based upon the teachings of Upton, Jeffries, and Homer. The obviousness of claims 3, 4, 8, and 9 has been established by the Examiner because Appellants have not presented any patentability arguments for these claims apart from the arguments presented for claims 1, 2, 5 to 7, and 10.

#### DECISION

The obviousness rejections of claims 1 to 10 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

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